

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Northern Division)**

IN RE GRACE OCEAN PRIVATE  
LIMITED, *et al.*,

Petitioners.

Civil Action No. 24-cv-000941-JKB

IN ADMIRALTY



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**OBJECTIONS OF CERTAIN NONPARTY DALI CREWMEMBERS  
TO MAGISTRATE JUDGE DECISIONS ON MOTION TO STRIKE  
CONFIDENTIALITY DESIGNATIONS AND MOTIONS TO SEAL**

Dated: October 28, 2025

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Pursuant to Rule 72(a) and 28 U.S.C. § 636(b), five nonparty deponents,<sup>1</sup> all former crewmembers of the *M/V Dali*, object to the Memorandum and Order [REDACTED]

<sup>2</sup> The Material Facts section below focuses on Chief Engineer Deenadayalan, with material additions from other Objectors added in brief subsections thereafter. The Argument section is the same for all Objectors.

## INTRODUCTION

<sup>1</sup> The objecting crewmembers are Karthikeyan Deenadayalan (chief engineer); Chandrashekar Sabhapathy (master); Chaminda Kariyawasam (electrician); Ganeshkumar Subramanian (oiler); and Nishanth Pitchaiah (fourth engineer) (collectively, “Objectors”). Three other crewmembers

are not joining in the objections.

<sup>2</sup> See ECF Nos. 544-46 (Deenadayalan), 550-52 (Kariyawasam), 553-55 (Sabhapathy), and 547-49 (Pitthaiah and Subramanian).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

## MATERIAL FACTS

### A. Chief Engineer Deenadayalan.

Mr. Deenadayalan was serving as the chief engineer aboard the *M/V Dali* on March 26, 2024, the date of the allision with the Francis Scott Key bridge. Since that day 19 months ago, he has been required to remain in Baltimore, far from his home and family in India, as regulators, prosecutors, and private lawyers conduct exhaustive investigations of the allision.



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]



**B. Captain (Master) Subhapathy.**

Objector Sabhapathy was the Captain and Master of the *M/V Dali* when it called at the Port of Baltimore on or about March 26, 2024. [REDACTED]

[REDACTED]

**C. Electrician Kariyawasam.**

Mr. Kariyawasam was the electrician on the *M/V Dali* at the time of the allision. [REDACTED]

[REDACTED]

#### D. Fourth Engineer Pitchaiah and Oiler Subramanian.

Mr. Pitchaiah was serving as the fourth engineer and Mr. Subramanian as an oiler aboard the *M/V DALI* on March 26, 2024, the date of the allision. [REDACTED]

## MAGISTRATE JUDGE RULING



## ARGUMENT

### E. Standard of review.

#### 1. Motion to strike

Under Rule 72(a),<sup>3</sup> a district judge “must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law.” *See also* 28 U.S.C. § 636(b)(1)(A) (same standard). Some courts in this district have held that “[d]iscovery motions are quintessential nondispositive motions, so the district court reviews findings of fact for clear error and conclusions of law *de novo*. When reviewing a question of law, however, the standard is *de novo*.” *MedImmune Oncology, Inc. v. Sun Pharmaceutical Indus., Ltd.*, No. MJG-04-2612, 2008 WL 11411384, at \*1 (D. Md. Apr. 2, 2008). More recent decisions tend to relax the *de novo* standard for questions of law on discovery motions, suggesting something akin to an abuse of discretion standard even there. *See, e.g., Stone v. Trump*, 356 F. Supp. 3d 505, 511 (D. Md. 2018) (suggesting that

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<sup>3</sup> A threshold question is whether these objections are “nondispositive,” and therefore covered by Rule 72(a), or “dispositive,” and therefore covered by Rule 72(b). Discovery motions are typically nondispositive of the parties’ dispute, but Objectors are not parties to this case, and therefore the ruling on the motion to strike is dispositive as to their connection to the case. On the other hand, Objectors are asserting rights under a protective order entered in this case that was drafted to encompass nonparties who were compelled to testify, so they may have a quasi-party status. Although Objectors do not waive any rights on appeal, the weight of authority in other jurisdictions appears to treat discovery motions involving nonparties as nondispositive, and therefore subject to the more lenient standard of review under Rule 72(a).



*de novo* review of legal questions is less stringent when reviewing discovery disputes decided by magistrate judges).

Objectors contend that the plain language of the statute and the rule is more consistent with *de novo* review for legal questions—otherwise the “contrary to law” phrase would be surplusage. The text does not imply a different standard for discovery motions, some of which adjudicate important rights. The discovery questions here, for instance,

[REDACTED] An Article III judge should have full discretion to decide issues that touch upon that right.

## **2. Motions to seal**

Judge Sullivan also denied the parties’ motions to seal the papers filed in connection with the motion to strike. ECF No. 624 at 13-16. Magistrate decisions to seal are considered “additional duties” under 28 U.S.C. § 636(b)(3), “and decisions under this prong are accorded *de novo* review by the district court.” *United States v. Appelbaum (In re United States)*, 707 F.3d 283, 289 (4th Cir. 2013).

## **F. Objection 1: The Magistrate Judge c**

[REDACTED]

The motion to strike implicated three potential standards for shielding litigation documents from public dissemination. Those standards, running from easiest to satisfy to hardest, are: the “good cause” standard of Rule 26(c), which applies to pretrial discovery materials that are not “judicial records”; the common law right of public access to all “judicial records,” which can be overcome by a significant countervailing interest; and the First Amendment right of access to judicial records that are utilized in considering or resolving dispositive issues, which can be overcome only by “compelling governmental interest[s]” that are narrowly tailored to serve the interests. *See Appelbaum*, 707 F.3d at

290. Although Claimants cited the First Amendment in their motion to strike, [REDACTED]

[REDACTED] *See, e.g., Virginia Dep't of State Police v. Washington Post*, 386 F.3d 567, 580 (4th Cir. 2004) (“we have never held that the public has a First Amendment right of access to a pretrial hearing on a non-dispositive civil motion or to the transcript of such a hearing”).

The Magistrate Judge’s opinion [REDACTED]

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<sup>4</sup> T [REDACTED]





[REDACTED]

**G. Objection 2: The Magistrate Judge** [REDACTED]

[REDACTED]

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[REDACTED]

8



[REDACTED]

**CONCLUSION**

For the reasons stated, Objectors respectfully request that objections be sustained; that motion to strike be denied; and that the motions to seal be granted.

Dated: October 28, 2025

Respectfully submitted,

/s/ Marshall N. Perkins

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 28th day of October, 2025, I caused copies of the foregoing document to be served through the ECF system (for the public version) and via e-mail on all registered counsel of record.

/s/ John J. Connolly  
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